

JEFFREY B. COOPERSMITH (SBN 252819)
AMY WALSH (Admitted Pro Hac Vice)
STEPHEN A. CAZARES (SBN 201864)
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

Email: jcoopersmith@orrick.com; awalsh@orrick.com;
scazares@orrick.com

Attorneys for Defendant
RAMESH "SUNNY" BALWANI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMESH "SUNNY" BALWANI,

Defendant.

Case No. CR-18-00258-EJD

**DEFENDANT RAMESH "SUNNY"
BALWANI'S NOTICE OF
AUTOMATIC STAY OF BUREAU OF
PRISONS REPORTING DATE**

Hon. Edward J. Davila

NOTICE OF AUTOMATIC STAY OF BUREAU OF PRISONS REPORTING DATE

PLEASE TAKE NOTICE that Defendant Sunny “Ramesh” Balwani’s Bureau of Prisons reporting date of March 16, 2023, has been automatically stayed by the United States Court of Appeals for the Ninth Circuit by operation of the Ninth Circuit Rules.

Ninth Circuit Rule 9-1.2(e) provides that, “[i]f the appellant is on bail at the time the motion is filed in this Court, that bail will remain in effect until the Court rules on the motion.” “The operation of the rule” is “automatic.” *United States v. Fuentes*, 946 F.2d 621, 622 (9th Cir. 1991); *accord United States v. Kakkar*, No. 5:13-cr-00736-EJD, 2017 WL 4163291, at *1 (N.D. Cal. Sept. 20, 2017).

Mr. Balwani filed his appellate motion for release pending appeal on March 15, 2023. That motion and the electronic filing confirmation are attached. Ex. A. As noted in the motion, Mr. Balwani remains on bail. *Id.* at 4. Because Mr. Balwani was on bail at the time his appellate motion was filed, that bail therefore automatically remains in effect until the Ninth Circuit rules on the motion. Mr. Balwani’s counsel has informed his Pretrial Services Officer of the effect of the Ninth Circuit’s order by email, Ex. B, and by phone as well. This notice is being filed to ensure that all interested governmental personnel are informed through the ECF system as well.

DATED: March 16, 2023

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

By: /s/ Jeffrey B. Coopersmith
Jeffrey B. Coopersmith

Attorney for Defendant
RAMESH “SUNNY” BALWANI